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E-File: March 29, 2011

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Attorneys for Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

Case No.: BK-S-09-14814-LBR  
 (Jointly Administered)

**THE RHODES COMPANIES, LLC, aka**  
**"Rhodes Homes, et al.,<sup>1</sup>**  
**Debtors.**

Chapter 11

Affects:

- ☐ All Debtors  
☒ Affects the following Debtor(s):

The Rhodes Design and Development  
 Corporation 09-14846

Hearing Date: May 9, 2011  
 Hearing Time: 2:30 p.m.  
 Courtroom 1

<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

**DEBTORS' OBJECTION TO THE SLAUGHTER CLAIM PURSUANT TO SECTION  
502(b) OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 3003 AND 3007  
[SLAUGHTER CLAIM];  
DECLARATIONS IN SUPPORT THEREOF**

Pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code") and Rules 3003 and 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), the above-captioned reorganized debtors (collectively, the "Debtors") hereby object (the "Objection") to the claim (the "Slaughter Claim") of Slaughter ("Slaughter").

The Slaughter Claim is neither evidence of an enforceable contract nor an enforceable debt owed by the Debtors. It is a single page claim alleging two words, "construction defects", with no supporting documentation or evidence.

The Debtors request the entry of an order (the "Order") disallowing and expunging in full the Slaughter Claim attached hereto.

**FACTS**

1. On March 31, 2009, Rhodes Design and Development Corporation ("RDD"), one of the above-captioned Debtors, filed a voluntary petition for relief under chapter 11 of title 11 of the Bankruptcy Code.

2. On April 20, 2009, Slaughter filed the Slaughter Claim in the RDD case, which has been designated as claim number 18-1. A true and correct copy of the Slaughter Claim is attached hereto as **Exhibit A**. The Slaughter Claim is filed on behalf of a purported class action. It is a face-sheet filing with no evidence attached filed in an unliquidated amount for "construction defects."

3. Notably, RDD is not a named defendant in the Slaughter class action. The underlying Slaughter class action has been dismissed with prejudice by the United States District Court, District of Nevada pursuant to a court order entered January 27, 2010. *See* USDC Case No. 2:08-CV-01223-RCJ-GWF. A true and correct copy of the dismissal order is attached hereto as **Exhibit B**. Upon information and belief, the dismissal order is currently on appeal.

4. On March 12, 2010, the Bankruptcy Court entered the *Proposed Findings of Fact, Conclusions of Law, and Order* (the "Confirmation Order") confirming the *First Lien Steering Committee's Third Amended Modified Plan of Reorganization Pursuant to Chapter 11 of the*

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1 *Bankruptcy Code for The Rhodes Companies, LLC, et al.* (the “Plan”). On April 1, 2010, the  
 2 Effective Date under the Plan occurred. Pursuant to Article VI.B of the Plan, the Reorganized  
 3 Debtors have authority to object to claims.

4 5. Beginning in May 2010 and continuing for several months thereafter, the  
 5 Reorganized Debtors attempted to liquidate, settle, or negotiate the withdrawal of the Slaughter  
 6 Claim to no avail. On May 10, 2010, counsel for RDD wrote to counsel for Slaughter and  
 7 requested that evidence be provided or that the claim be withdrawn. A true and correct copy of  
 8 the letter is attached hereto as **Exhibit C**. Thereafter, counsel for RDD engaged in  
 9 approximately half a dozen telephone conversations and multiple email communications  
 10 regarding the Slaughter claim to no avail. To this date, the Reorganized Debtors have not  
 11 received any further information that would substantiate the Slaughter Claim, let alone identify  
 12 the actual homes at issue or the particular homeowners involved. In fact, the Debtors have no  
 13 record of ever selling a home to anyone named Slaughter.

#### 14 **RELIEF REQUESTED**

15 6. By this Objection, the Debtors seek entry of an order, pursuant to section 502(b)  
 16 of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007, disallowing and expunging in full  
 17 the Slaughter Claim.

#### 18 **OBJECTION**

19 7. Bankruptcy Code section 502 authorizes a party in interest to object to claims.  
 20 *See* 11 U.S.C. §502(a). Although a proper proof of claim is presumed valid under Bankruptcy  
 21 Rule 3001(f), once an objection controverts the presumption, the creditor has the ultimate burden  
 22 of persuasion as to the validity and amount of the claim. *Ashford v. Consolidated Pioneer*  
 23 *Mortg. (In re Consolidated Pioneer Mortg.)*, 178 B.R. 222, 226 (B.A.P. 9th Cir. 1995), *aff’d*,  
 24 91 F.3d 151 (9th Cir. 1996) (quoting *In re Allegheny International, Inc.*, 954 F.2d 167, 173-74  
 25 (3d Cir. 1992)). The Bankruptcy Appellate Panel for the Ninth Circuit explained the shifting  
 26 burdens of proof with respect to objection to proofs of claim as follows:

27 The burden of proof for claims brought in the bankruptcy court  
 28 under 11 U.S.C.A. § 502(a) rests on different parties at different

times. Initially, the claimant must allege facts sufficient to support the claim. If the averments in his filed claim meet this standard of sufficiency, it is “prima facie” valid. In other words, a claim that alleges facts sufficient to support a legal liability to the claimant satisfies the claimant’s initial obligation to go forward. . . . The burden of persuasion is always on the claimant.

*Ashford*, 178 B.R. at 226.

8. Following this decision, the District Court for the Northern District of California emphasized, “unless the claimant has alleged ‘facts sufficient to support a legal liability, ‘the claim is not prima facie valid.’” *In re Hongnisto*, 293 B.R. 45, 50 (N.D. Cal. 2003) (quoting *Consolidated Pioneer Mortg.*, 178 B.R. at 266) (holding that the claimant’s proof of claim failed to allege sufficient facts to support a legal liability and consequently disallowed the proof of claim); *see Consolidated Pioneer Mortg.*, 178 B.R. at 227 (holding that because the proof of claim did not allege sufficient facts to support the claim, the proof of claim was disallowed). While the “burden of going forward is primarily a procedural matter pertaining to the order of presenting evidence”, the substantive burden of proof remains at all times upon the claimant and the claimant must establish by a preponderance of the evidence that its claim should be allowed. *In re Garvida*, 347 B.R. at 706; *In re Lundell*, 223 F.3d at 1039 (ultimate burden of persuasion remains at all times upon the claimant), *In re So. Cal. Plastics, Inc.*, 165 F.3d at 1248; *In re Lundell*, 223 F.3d at 1039.

9. Official Form 10, as prescribed by the Judicial Conference of the United States, also requires a creditor to attach supporting documentation to the proof of claim. “[T]he documentation required by Bankruptcy Rule 3001 and Official Form 10 allows the debtor . . . to have enough information to fully determine whether or not a valid claim in the proper amount has been filed.” *In re Armstrong*, 320 B.R. 97, 104 (N.D. Tex. 2005).

10. Given that RDD was never a named defendant in the underlying class action and the underlying class action has been dismissed, there is no valid basis for the Slaughter Claim.

11. The Slaughter Claim does not allege facts sufficient to form a prima facie claim. The Claim is supported only by the conclusory phrase, "Construction Defects". No evidence is submitted of the homes at issue, the alleged defect, or the extent of any defect. The Claim consists of the approved face sheet and nothing else. The Reorganized Debtors have made a good faith effort to reach out to Slaughter's counsel to amicably resolve the Claim on multiple occasions. The proof of claim is defective and, under the circumstances referenced, the Slaughter Claim should be disallowed and expunged by the Court.

### CONCLUSION

12. The Debtors object to the allowance of the Slaughter Claim for the reasons stated herein, and the Debtors hereby move this Court for an Order disallowing and expunging in full the Slaughter Claim identified as the proof of claim attached hereto as **Exhibit A**.

### NOTICE

13. Pursuant to Bankruptcy Rule 3007, the Debtors have provided Slaughter with at least thirty (30) days' notice of the hearing on the Objection.

14. Notice of this objection has been provided to (i) the Office of the United States Trustee, (ii) counsel to Slaughter in accordance with the addresses provided in the Slaughter Claim, (iv) each person or entity that has filed a notice of appearance and request for special notice, and (v) other required parties pursuant to the Court's case management order entered in these cases. The Debtors submit that in light of the nature of the relief requested herein, no other or further notice is required.

WHEREFORE, the Debtors respectfully request that the Court enter an Order, substantially in the form attached hereto, disallowing and expunging the Slaughter Claim, and granting such other and further relief as the Court deems just and proper.

**DATED** this 29th day of March, 2011.

**LARSON & STEPHENS**

/s/ Zachariah Larson, Esq.

Zachariah Larson, Bar No. 7787

Kyle O. Stephens, Bar No. 7928

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**DECLARATION OF BRUCE JORGENSEN IN SUPPORT OF DEBTORS'  
OBJECTION TO SLAUGHTER CLAIM**

I, Bruce Jorgensen, declare as follows:

1. I am the General Counsel of the above-captioned reorganized debtors (the "Debtors"). The facts set forth in this Declaration are personally known to me and, if called as a witness, I could and would testify thereto. This declaration is submitted in support of the above-captioned Objection.

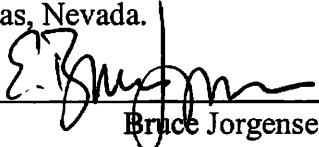
2. I am one of the persons responsible for overseeing the claims reconciliation and objection process in the Debtors' chapter 11 cases. I have read the Debtors' Objection and am directly, or by and through my personnel or agents, familiar with the information contained therein, the exhibits attached thereto, and the proposed form of order.

3. The Slaughter Claim was reviewed and analyzed in good faith, and the Debtors' books and records were referenced for additional support, utilizing due diligence by appropriate personnel of the Debtors. I have personally reviewed the Slaughter Claim, which is attached hereto as **Exhibit A**.

4. The Slaughter Claim is for alleged construction defects. Neither Rhodes Design and Development Corporation nor any of the Debtors or Reorganized Debtors have ever been named as a defendant in the Slaughter class action suit. Furthermore, the Debtors' books and records do not reflect any sale of a home to any individual with the name "Slaughter".

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 29 day of March, 2011, at Las Vegas, Nevada.

  
\_\_\_\_\_  
Bruce Jorgensen

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**DECLARATION OF JEFFERY P. NOLAN IN SUPPORT  
DEBTORS' OBJECTION TO SLAUGHTER CLAIM**

I, Jeffrey P. Nolan, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts in the State of California and in this District. I am an attorney with the law firm of Pachulski Stang Ziehl & Jones LLP, attorneys of record for the Reorganized Debtors. The facts stated herein are of my own personal knowledge, or made known to me from a review of the files and pleadings in this action which are maintained in the ordinary course of business. If called upon as a witness to any facts set forth herein, I could and would competently testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Slaughter Claim from the Omni claims agent website.

3. Attached as **Exhibit B** is a true and correct copy of the dismissal order from the Slaughter class action case, USDC Case No. 2:08-CV-01223-RCJ-GWF.

4. Attached as **Exhibit C** is a true and correct copy of an initial letter sent by my Firm to counsel for the Slaughter Claim on May 10, 2010.

5. Thereafter, I attempted to liquidate, settle, or negotiate the withdrawal of numerous alleged construction defect claims that were filed by the firm of Maddox, Isaacson & Cisneros, LLP. With respect to some of the individual claims, we were able to determine the facts surrounding the claim, or the fact that the claim was no longer being prosecuted given various events. Efforts to resolve the Slaughter Claim were the exception. Rather than pointing to a particular defined claimant and or/particular claimed damage, there was no elaboration as to what homes were at issue, extent of damages, or whether the Debtor was responsible for any alleged damage.

6. Between July and the end of October, I engaged in 5 to 6 telephone conversations wherein I inquired as to what was the basis of the Slaughter Claim, what was the damage and had it been documented, what homes were involved, the degree of the severity of damages, the responsible parties, and who the actual claimant was who asserted the Slaughter Claim. The Slaughter Claim identified a lawsuit but failed to identify who was the claimant for the claim filed with the Court.



1           6.     By email dated August 26, 2009, claimant's counsel set forth the following as a  
2 response to my inquiries:

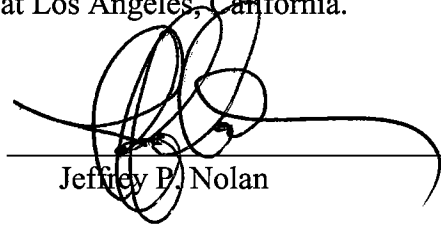
3                   "As for the Slaughter case, that is a class action filed in Federal  
4                   District Court (not naming Rhodes) against the manufacturer,  
5                   suppliers and plumbers who installed the Wirsbo plumbing product  
6                   which we have since learned Rhodes Homes installed in many of  
7                   its developments throughout the Las Vegas valley. We do not  
8                   anticipate filing anything in the near future on this matter, but will  
9                   let you know as things develop."

10           See email correspondence dated, August 26, 2010, attached hereto as **Exhibit D**.

11           7.     I continued discussions with counsel for the Slaughter Claim to try to resolve the  
12 Slaughter Claim consensually, but ultimately since no home was ever identified, let alone which  
13 developments, such efforts were not successful. I have never been provided with any  
14 documentation, information, or evidence that would substantiate the Slaughter Claim from  
15 counsel for Slaughter or any other third party.

16           I declare under penalty of perjury of the laws of the United States that the foregoing is  
17 true and correct.

18           Executed this 28th day of March, 2011, at Los Angeles, California.

19  
20  
21                     
22                   \_\_\_\_\_  
23                   Jeffrey P. Nolan  
24  
25  
26  
27  
28

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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

Case No.: BK-S-09-14814-LBR  
(Jointly Administered)

THE RHODES COMPANIES, LLC, aka  
 "Rhodes Homes," et al.,<sup>1</sup>  
 Debtors.

Chapter 11

Affects:

Hearing Date: May 9, 2011  
 Hearing Time: 2:30 p.m.  
 Courtroom 1

☐ All Debtors  
☒ Affects the following Debtor(s):  
 Rhodes Design and Development  
 Corporation 09-14686

**ORDER SUSTAINING DEBTORS' OBJECTION TO THE SLAUGHTER CLAIM  
 PURSUANT TO SECTION 502(b) OF THE  
 BANKRUPTCY CODE AND BANKRUPTCY RULES 3003 AND 3007  
[SLAUGHTER CLAIM] [DOCKET NO. ]**

Upon consideration of the *Debtors' Objection to the Slaughter Claim Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Slaughter Claim]* [Docket No. \_\_\_\_] (the "Objection"),<sup>2</sup> filed by the above-captioned reorganized debtors (collectively, the

<sup>1</sup> The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Second Omnibus Objection.

1 “Debtors”), requesting that the Court enter an order disallowing and expunging in full the  
 2 Slaughter Claim; and the Court having jurisdiction to consider the Objection and the relief  
 3 requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and the relief requested therein being a  
 4 core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court  
 5 pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having reviewed the Objection; the Court  
 6 hereby finds and determines that, pursuant to Rule 3007 of the Federal Rules of Bankruptcy  
 7 Procedure, due and proper notice has been provided to the holder of the Claim attached as  
 8 Exhibit A to the Objection and all other parties entitled to notice; and no other or further notice is  
 9 necessary; and the relief requested in the Objection is in the best interests of the Debtors, their  
 10 estates and creditors; and that the legal and factual bases set forth in the Objection establishes  
 11 just cause for the relief requested therein; therefore

12 IT IS HEREBY ORDERED THAT:

13 1. Claim No. 18, filed by Slaughter, et al., as secured in an unliquidated amount in  
 14 Case No. 09-14846 against Rhodes Design and Development Corporation is hereby disallowed  
 15 and expunged in full.

16 2. This Court shall retain jurisdiction to hear and determine all matters arising from  
 17 the implementation of this Order.

18 Submitted by:

19 DATED this \_\_\_\_ day of \_\_\_\_\_, 2011.

20 By: /s/ Zachariah Larson

21 LARSON & STEPHENS

22 Zachariah Larson, Esq. (NV Bar No 7787)

23 Kyle O. Stephens, Esq. (NV Bar No. 7928)

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# EXHIBIT A

RECEIVED APR 20 2009

| UNITED STATES BANKRUPTCY COURT  |  | DISTRICT OF NEVADA  | PROOF OF CLAIM |
|---|--|---|----------------|
| Name of Debtor: <b>Rhodes Design and Development Corporation</b>  |  | Case Number: <b>09-14846</b>  |                |
| NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.   |  |   |                |
| Name of Creditor (The person or other entity to whom the debtor owes money or property):<br><b>Slaughter, et al. Class Action Claim USDC Case #</b>   |  |   |                |
| Name and address where notices should be sent:<br><b>MADDOX, ISAACSON &amp; CISNEROS, LLP</b><br><b>An Association of Professional Corporations</b><br><b>3811 W. Charleston Blvd., Suite 110</b><br><b>Las Vegas, NV 89102</b>   |  |   |                |
| TEL: <b>(702) 366-1900</b>  |  |   |                |
| Name and address where payment should be sent (if different from above):<br>Name: _____<br>Address 1: _____<br>Address 2: _____<br>Address 3: _____<br>Address 4: _____<br>Address 5: _____<br>TEL: ( ) - ( )   |  | <input type="checkbox"/> Check box to indicate that this claim amends a previously filed claim.<br>Court Claim Number: ( ) ( ) ( ) ( ) ( )<br>(If known)<br>Filed On: ( ) ( ) / ( ) ( ) / ( ) ( )<br><input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach a copy of statement giving particulars.<br><input type="checkbox"/> Check this box if you are the debtor or trustee in this case.  |                |
| Carefully read instructions included with this Proof of Claim before completing. In order to have your claim considered for payment and/or voting purposes, complete ALL applicable questions. The original of this Proof of Claim must be sent to: <b>The Rhodes Companies, LLC, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB 477, Encino, CA 91436-2522.</b>   |  |   |                |
| 1. Amount of Claim as of Date Case Filed: <b>Unliquidated</b> \$ ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )<br>If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.<br>If all or part of your claim is entitled to priority, complete item 5.<br><input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of interest or charges.  |  | 5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.<br><br>Specify the priority of the claim:<br><input type="checkbox"/> Domestic support obligations under - 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).<br><input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*), earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).<br><input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).<br><input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).<br><input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).<br><input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )<br>Amount entitled to priority: \$ ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) |                |
| 2. Basis for Claim<br><b>C O N S T R U C T I O N D E F E C T S</b><br>(See instruction #2 on reverse side)  |  |   |                |
| 3. Last four digits of any number by which creditor identifies debtor:<br>( ) ( ) ( ) ( )<br>3a. Debtor may have scheduled account as: ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )<br>(See instruction #3a on reverse side.) <b>Slaughter, et al. Class Action Claim</b>  |  |   |                |
| 4. Secured Claim. (See instruction #4 on reverse side.)<br><input type="checkbox"/> Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.<br>Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other<br>Describe: ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )<br>Value of Property: \$ ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) Annual Interest Rate: _____ %<br>Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) Basis for perfection: _____<br>Amount Secured \$ ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) Amount Unsecured \$ ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) |  |   |                |
| 6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.<br>7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)<br><br>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.<br>If the documents are not available, please explain: <b>Unliquidated</b>   |  | THIS SPACE IS FOR COURT USE ONLY  |                |
| Date <b>04/29/2009</b> Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.<br>Signature: <b>TROY L. ISAACSON</b> Title: <b>ATTORNEY</b>   |  |   |                |

# EXHIBIT B

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 EDWIN K. SLAUGHTER et al., )

4 Plaintiffs, )

5 vs. )

6 UPONOR, Inc. et al., )

7 Defendants. )

2:08-cv-01223-RCJ-GWF

**ORDER**

8

9 This uncertified class action arises out of the manufacture, marketing, distribution, and

10 installation of allegedly defective plumbing components, which Plaintiffs allege caused harm, or

11 threaten to cause harm, to their residences. After eighteen months of litigation, Plaintiffs have

12 withdrawn their motion for class certification. Pending before the Court are two motions. First is

13 Defendants' United Plumbing, LLC and Ferguson Enterprises, Inc.'s Objection to the Honorable

14 Magistrate's Order Regarding the Taking of the Deposition of David Coates (#247). Second is

15 Plaintiffs' Motion for Voluntary Dismissal (#285). At the January 5, 2010 hearing, the parties

16 argued whether the case should be dismissed with or without prejudice and whether Defendants

17 should be awarded costs and fees.

18 **CONCLUSION**

19 IT IS HEREBY ORDERED that the Motion for Voluntary Dismissal (#285) is GRANTED

20 in part and DENIED in part. The case is dismissed with prejudice. The parties shall file briefs on

21 the issue of costs and fees. The Objection (#247) is DENIED as moot.

22 DATED: January 26, 2010

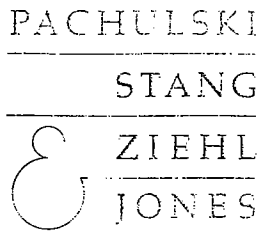
23

24 

25 Robert C. Jones  
United States District Judge

# EXHIBIT C





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Steven J. Kahn

May 10, 2010

skahn@pszjlaw.com  
310.203.3112

Troy L. Isaacson  
Maddox, Isaacson & Cisneros, LLP  
3811 W. Charleston Blvd., Suite 110  
Las Vegas, NV 89102

**Re: Rhodes Companies, LLC and Affiliates  
Bankruptcy Case No. 09-14846  
Proof of Claim of Slaughter, et al.,  
Class Action USDC Case No. 2:08-cv-01223-RCJ-CWF**

Dear Mr. Isaacson:

Our offices represent the Reorganized Debtors arising from the order entered by the Bankruptcy Court on March 12, 2010 confirming the plan of reorganization in the Debtors' bankruptcy cases (the "Confirmation Order").

Review of the claims docket maintained by Omni Management Group, as claims agent for the United States Bankruptcy Court for the District of Nevada in the Debtors' cases, reveals that you filed Claim No. 18 on May 6, 2009, on behalf of Slaughter, et al., Class Action USDC Case No. 2:08-cv-01223-RCJ-CWF in an unliquidated amount.

Because the claim is filed as unliquidated, an actual dollar amount of the claim cannot be determined from the face of the claim, and no distribution, if any, can be made on the claim.

Further, review of the docket in the District Court action reveals that Edwin K. Slaughter received repairs relating to the allegedly defective plumbing components, no class was ever certified, and the case was dismissed with prejudice pursuant to a court order entered January 27, 2010. While we understand that the dismissal order is presently under appeal, there is presently no claimant with factual or legal standing to assert any claim in the Debtors' bankruptcy cases.

PACHULSKI  
STANG  
E ZIEHL  
JONES

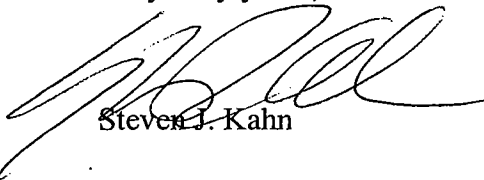
LAW OFFICES  
LIMITED LIABILITY PARTNERSHIP

Troy L. Isaacson  
May 10, 2010  
Page 2

If you do not withdraw the proof of claim with ten (10) days of the date of this letter, the Reorganized Debtors will institute a contested proceeding against the purported claimants to seek disallowance of the claim in its entirety.

Thank you for your attention to the above.

Very truly yours,



Steven J. Kahn

SJK

# EXHIBIT D

**Shirley S. Cho**

---

**Subject:** FW: Keiser & Casimiro-Rayo

---

**From:** Troy Isaacson [mailto:tisaacson@mic-law.com]  
**Sent:** Thursday, August 26, 2010 11:41 AM  
**To:** Jeffrey P. Nolan  
**Subject:** RE: Keiser & Casimiro-Rayo

Jeff:

The only address we have is as follows:

Chad and Tania Keiser  
445 Punto Vallata Drive  
Henderson, Nevada 89011

\* As for the Slaughter case, that is a class action filed in Federal District Court (not naming Rhodes) against the manufacturer, suppliers and plumbers who installed the Wirsbo plumbing product which we have since learned Rhodes Homes installed in many of its developments throughout the Las Vegas valley. We do not anticipate filing anything in the near future on this matter, but will let you know as things develop.

Sincerely,

Troy Isaacson

---

**From:** Jeffrey P. Nolan [mailto:jnolan@pszjlaw.com]  
**Sent:** Wednesday, August 25, 2010 1:53 PM  
**To:** Troy Isaacson  
**Subject:** Re: Keiser & Casimiro-Rayo

Troy:

Do you have a forwarding address for Keisler?

What about the Slaughterhouse claim? We discussed but I can't recall if you said you would be filing anything in the coming weeks.

Jeff  
Jeffrey P. Nolan

-----  
Sent from my Blackberry

Pachulski Stang Ziehl & Jones LLP  
Los Angeles | San Francisco | Wilmington, DE | New York

---

**From:** Troy Isaacson [mailto:tisaacson@mic-law.com]  
**Sent:** Friday, August 13, 2010 03:06 PM  
**To:** Jeffrey P. Nolan  
**Subject:** Keiser & Casimiro-Rayo


Jeff:

3/16/2011

It was a pleasure speaking with you this morning. Following up on our conversation, I have looked in to the status of the above-mentioned homeowners. As for Mr. & Mrs. Keiser, it is my understanding they lost their home. Given they had not been in contact with our office, we had previously terminated our representation.

With regard to Mr. & Mrs. Caimiro-Ray, their personal counsel has apparently not taken any action. Therefore, to the extent covered by insurance, it would be our recommendation to them that they proceed against any available insurance proceeds alone. We can accomplish this through either motion or stipulation. Please let us know how you wish to proceed.

Sincerely,

|  |  |
|--|--|
|                           | <b>MADDOX, ISAACSON &amp; CISNEROS, LLP</b><br>AN ASSOCIATION OF PROFESSIONAL CORPORATIONS |
| <b>TROY L. ISAACSON</b><br><i>Partner</i>  |  |
| 3811 W. Charleston Blvd.<br>Suite 110<br>Las Vegas, Nevada 89102<br>Tel: 702-366-1900<br>Fax: 702-366-1999 |  |
| <a href="#">V-Card</a>   <a href="#">BIO</a>   <a href="#">WebSite</a>   <a href="#">Practice Areas</a>    |  |

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Please consider the environment before printing this email.

**CERTIFICATE OF SERVICE**

1. On the 29th day of March 2011, I served the following document(s):  
**DEBTORS' OBJECTION TO THE SLAUGHTER CLAIM PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE AND BANKRUPTCY RULES 3003 AND 3007 [SLAUGHTER CLAIM]; DECLARATIONS IN SUPPORT THEREOF**

2. I served the above-named document(s) by the following means to the persons as listed below:  
*(check all that apply)*

■ a. **United States mail, postage fully prepaid**  
*(List persons and addresses. Attach additional paper if necessary)*

Maddox Isaacson & Cisneros LLP  
An Association of Professional Corporations  
Troy L. Isaacson, Esq.  
3811 W. Charleston Blvd., Suite 110  
Las Vegas, NV 89102

3. On **March 29, 2011** I served the above-named document(s) by the following means to the persons as listed below:  
*(check all that apply)*

■ a. **ECF System** *(You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed on (date): March 29, 2011

Sophia L. Lee  
(Name of Declarant)

/s/Sophia L. Lee  
(Signature of Declarant)

LARSON & STEPHENS  
810 S. Casino Center Blvd., Suite 104  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

**ECF SERVICE LIST**

09-14814-lbr Notice will be electronically mailed to:

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kanderson@fabianlaw.com, sburdash@fabianlaw.com

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baxelrod@foxrothschild.com,  
pkoi@foxrothschild.com;rdittrich@foxrothschild.com;msheffield@foxrothschild.com;ldupree  
@foxrothschild.com

J. THOMAS BECKETT on behalf of Creditor CREDITORS COMMITTEE  
ECF@parsonsbehle.com

SHIRLEY S. CHO on behalf of Debtor THE RHODES COMPANIES, LLC  
scho@pszjlaw.com

JANET L. CHUBB on behalf of Creditor COMMERCE ASSOCIATES, LLC  
bsalinas@armstrongteasdale.com;twaldo@armstrongteasdale.com

DAVID A. COLVIN on behalf of Creditor DANA KEPNER COMPANIES, LLC  
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RICHARD I. DREITZER on behalf of Creditor Inc. Integrity Masonry  
richard.dreitzer@bullivant.com

PHILIP S. GERSON on behalf of Creditor CLARK COUNTY  
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KIRBY C. GRUCHOW on behalf of Creditor NEVADA POWER COMPANY  
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CAROL L. HARRIS on behalf of Creditor In re Kitec Fitting Litigation Class Plaintiffs  
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24 BRANCH  
25 darhyl.kerr@dlapiper.com

26 JANIECE S MARSHALL on behalf of Creditor STANLEY CONSULTANTS, INC.  
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